

Bill No. 43-05  
Concerning: Weapons – Restrictions –  
Deer Management  
Revised: 12/11/05 Draft No. 2  
Introduced: December 13, 2005  
Expires: June 13, 2007  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Knapp

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**AN ACT** to:

- (1) modify the circumstances under which a person may discharge a gun within and outside the urban area;
- (2) modify the circumstances under which a person may discharge a bow;
- (3) repeal language authorizing a person to carry or discharge a firearm under certain circumstances involving predatory animals;
- (4) make technical, clarifying, and stylistic changes to the law governing the discharge of a weapon; and
- (5) generally amend the law governing weapons restrictions.

By amending

Montgomery County Code  
Chapter 57, Weapons  
Sections 57-4, 57-5, 57-6, and 57-14

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 57-4, 57-5, 57-6, and 57-14 are amended as follows:**

**57-4. Discharge of guns in the urban area.**

(a) Prohibition. [A] Except as provided in subsection (b), a person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not discharge a gun within the urban area.

(b) Exceptions. Except as provided in Sections 57-7 and 57-11, a person may discharge a gun:

[(a)] (1) on any indoor or outdoor target, trap, skeet, or shooting range that the Range Approval Committee has inspected and approved in writing;

[(b)] (2) in a private basement or cellar target range;

[(c)] (3) when necessary to protect life or property;

[(d)] (4) to kill a dangerous animal;

[(e)] (5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;

[(f)] (6) for salutes by firing squads at military funerals; [or]

[(g)] (7) if approved by the Chief of Police, under a deer damage control permit issued by the Maryland Department of Natural Resources [and approved by the Chief of Police under Executive Regulation promulgated under method (2).]; or

(8) subject to the same restrictions imposed by Section 57-5(a) on the discharge of a gun outside the urban area:

(A) for the purpose of deer hunting on private property that is at least 50 acres in size; or

(B) on property owned by the Maryland-National Park and Planning Commission as a part of a deer management program conducted or sanctioned by the Commission.

(c) Regulations. The County Executive must adopt regulations under method (2) that establish procedures and criteria to be used by the Chief of Police to determine whether it is safe to discharge a gun under the circumstances specified in subsection (b)(7).

**57-5. Discharge of guns outside the urban area.**

(a) Prohibition. [Outside] Except as provided in subsection (b), outside the urban area, a person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not:

(1) discharge a gun:

(A) [onto, across, or within 100 yards of] from, onto, or across a public road;

(B) into or within the safety zone ([200] 150 yards of a building or camp designed for human occupancy) without the owner or occupant's written consent; or

(C) [on,] from, onto, or across public or private [land] property without the owner or occupant's written consent;

(2) discharge a full metal jacketed bullet of any caliber from a gun; or

(3) except as provided in subsection (b), discharge any fixed ammunition of a caliber higher than .25 caliber from a rifle or pistol.

(b) Exception - High Caliber Ammunition. [Other fixed ammunition may be discharged from a rifle or pistol (in an area otherwise permitted by law)]

only] If otherwise authorized by law, a person may discharge fixed ammunition of a caliber higher than .25 from a rifle or pistol at:

(A) legal game or varmints on the ground; or

(B) a target on or near the ground that will not deflect a bullet.

(b) Other Exceptions. Except as provided in Sections 57-7 and 57-11, a person may discharge a gun:

(1) on any indoor or outdoor target, trap, skeet, or shooting range that the Range Approval Committee has inspected and approved in writing;

(2) in a private basement or cellar target range;

(3) when necessary to protect life or property;

(4) to kill a dangerous animal;

(5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;

(6) for salutes by firing squads at military funerals; or

(7) under a deer damage control permit issued by the Maryland Department of Natural Resources [and approved by the Chief of Police under Executive Regulation promulgated under method (2)].

#### **57-6. Discharge of bows.**

(a) Prohibition. A person must not discharge a bow in the County:

(1) [onto, across, or within 100 yards of] from, onto, or across a public road;

(2) into or within 150 yards of a building or camp designed for human occupancy without the owner or occupant's written consent; or

(3) [on,] from, onto, or across public or private [land] private without the owner or occupant's written consent;

(b) Exception. [Paragraph] Subsection (a) does not apply to target archery practiced [under] in compliance with safety guidelines established by [Executive Regulation under] method (2) regulations.

**57-14. Exemptions from Chapter.**

Nothing in this Chapter applies to the purchase, ownership, or possession of a bona fide antique gun that is incapable of use as a gun. [Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops.]

*Approved:*

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George L. Leventhal, President, County Council

Date

*Approved:*

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Douglas M. Duncan, County Executive

Date

*This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date